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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR    | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|-------------------------|---------------------|------------------|
| 10/748,992   | 12/29/2003  | Steven Maurice Sikorski | 1595                | 8250             |
| 23623  | 7590        | 12/13/2005              | EXAMINER            |                  |
| AMIN & TUROCY, LLP<br>1900 EAST 9TH STREET, NATIONAL CITY CENTER<br>24TH FLOOR,<br>CLEVELAND, OH 44114 |             |                         | LAY, MICHELLE K     |                  |
|  |             |                         | ART UNIT            | PAPER NUMBER     |
|  |             |                         | 2672                |                  |

DATE MAILED: 12/13/2005 •

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

**Application No.**

10/748,992

**Applicant(s)**

SIKORSKI, STEVEN MAURICE

**Examiner**

Michelle K. Lay

**Art Unit**

2672

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 21 November 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1.  The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
  - a)  The period for reply expires 3 months from the mailing date of the final rejection.
  - b)  The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2.  The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3.  The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
  - (a)  They raise new issues that would require further consideration and/or search (see NOTE below);
  - (b)  They raise the issue of new matter (see NOTE below);
  - (c)  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
  - (d)  They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4.  The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5.  Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.
6.  Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7.  For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b)  will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: \_\_\_\_\_.

Claim(s) objected to: \_\_\_\_\_.

Claim(s) rejected: 1-17.

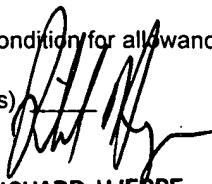
Claim(s) withdrawn from consideration: \_\_\_\_\_.

**AFFIDAVIT OR OTHER EVIDENCE**

8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.
12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s) \_\_\_\_\_.
13.  Other: \_\_\_\_\_.



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SUPERVISORY PATENT EXAMINER  
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Continuation of 7. The claims have been entered due to a grammar correction in claim 2.

Continuation of 11. does NOT place the application in condition for allowance because: In regards to Applicant's remarks on Manchester (US Publication No. 2004/0201595 A1) concerning claims 1, 2, 5-7, and 16, referring to Fig. 3, the display device (12) shows the oriented display image (14) is rotated to achieve an arbitrary orientation [0027]. Therefore, Manchester does teach orienting the display image at any desired angle and/or orientation.

In regards to Applicant's remarks on Manchester in view of Browning (US Patent No. 6,707,581 B1) concerning claims 3, 4, 8-12, and 15, from the explanation above, Manchester teaches orienting the display image at any desired angle and/or orientation.

In regards to Applicant's remarks on Browning in view of Manchester concerning claims 13 and 14, Manchester teaches a self-orienting display that senses the orientation of an object and automatically orients a display image in accordance with the orientation of that object (Manchester [0019]). Furthermore, as stated above, the display device (12) as shown in Fig. 3, shows the oriented display image (14) rotated to achieve an arbitrary orientation (Manchester [0027]). Since the object of Manchester is the display device, such as a hand held device (Manchester abstract) the user would need to hold the display device in a manner so that the user can view the image on the display, e.g. in front of the user's eyes. Thus, the sensors of the self-orienting display would orient the image based on how the user is holding the display device, thus taking into account the user's perspective. Furthermore, as stated prior, the display device of Manchester is a hand held device, thus the user would be holding the display device. Therefore, the self-orienting display of Manchester senses the orientation of the object, which is held in the user's hand, and the sensors of the self-orienting display of Manchester takes into account the physical orientation of the user when automatically rendering an image on the self-orienting display. Additionally, by self-orienting the display depending on the orientation of the display device which is held by the user, provides an optimized viewing position.

In regards to Applicant's remarks on Ogawa (US Patent No. 6,937,281 B1) in view of Manchester concerning claim 17, by setting the image pickup apparatus of Ogawa for self-timing for continuous shooting, the user is not required to manually operate the image pickup apparatus for data capture. Therefore providing a hands-free operation.